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8 Attorney for Defendant

9 NATHANIEL DIAZ PUNZALAN

10 UNITED STATES DISTRICT COURT

11 DISTRICT OF GUAM

12 UNITED STATES OF AMERICA,)

13 Plaintiff,)

14 vs.)

15 NATHANIEL DIAZ PUNZALAN,)

16 Defendant.)

CRIMINAL CASE NO. CR-07-00075

MOTION TO WITHDRAW AS
COUNSEL; MEMORANDUM
OF LAW AND CERTIFICATE
OF SERVICE

17 A. MOTION TO WITHDRAW AS COUNSEL

18 COMES NOW, the Defendant, NATHANIEL DIAZ PUNZALAN, by and through his
19 undersigned counsel of record, CYNTHIA V. ECUBE, ESQ., and moves this Honorable Court for
20 Leave permitting CYNTHIA V. ECUBE, ESQ, and the Law Office of Cynthia V. Ecube, to withdraw
21 from further representation of Defendant. This Motion is based upon the attached Memorandum of
22 Law and Declaration of Counsel in support of this Motion, and for good cause shown, as provided in
23 the Model Rules of Professional Responsibility.

24 Dated this 29th day of November, 2007.

25 LAW OFFICE OF CYNTHIA V. ECUBE, ESQ.
26 A Professional Corporation

27 By: _____

28 CYNTHIA V. ECUBE, ESQ.
29 Attorney for Defendant

FILED
DISTRICT COURT OF GUAM

NOV 29 2007

JEANNE G. QUINATA
Clerk of Court

B. MEMORANDUM OF LAW:

Pursuant to the ABA Model Rules of Professional Conduct (hereinafter "MRPC"), Section 1.7 of the rules provide that a lawyer shall withdraw from a matter when circumstances arise which impair her ability to discharge her duty of loyalty. In the instant case, the undersigned's acceptance of this pending criminal appointment presents a potential conflict of interest.

Based upon review of the file and brief discussions with the Defendant, **NATHANIEL D. PUNZALAN**, the undersigned is informed that at the time Defendant was arrested pursuant to a warrant of arrest, the marshal in charge was Marshal, Roland Okada. Further, after brief discussions with the Defendant, it appears that it is Defendant's desire to proceed forward with trial in this case. The undersigned believes that Roland Okada may likely be a key witness in the government's case in chief. Moreover, because of the past and ongoing relationship with Marshal Roland Okada, the undersigned believes that acceptance of representation of Defendant presents a conflict of interest. Based upon the undersigned's motion and declaration filed herein, the undersigned is hereby moving this Honorable Court for leave to withdraw as counsel on behalf of Defendant. See Declaration of Cynthia V. Ecube.

Based upon the foregoing Motion and the Declaration of Counsel, and for good cause existing, the undersigned is requesting that this Honorable Court permit the undersigned to withdraw as counsel of record, herein.

Dated this 28th day of November, 2007.

LAW OFFICE OF CYNTHIA V. ECUBE, ESQ.
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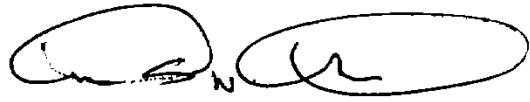
By: 

CYNTHIA V. ECUBE, ESQ.
Attorney for Defendant

CERTIFICATE OF SERVICE

I, MELVINA S. N. MANGUBA, Legal Secretary for the Law Office of Cynthia V. Ecube, Esq., P.C., hereby certify that on the 29th day of November, 2007, I caused to be served by facsimile a copy of the "Motion to Withdraw as Counsel " in Criminal Case No. **CR-07-00075**, to:

ROSETTA SAN NICOLAS, ESQ.
Assistant U. S. Attorney
U. S. Attorney's Office
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MELVINA S. N. MANGUBA